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# Message Text

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E.O. 11652: GDS

TAGS: SHUM, AG

SUBJECT: HUMAN RIGHTS COUNTRY EVALUATION PLANS

FOLLOWING IS INITIAL AFN DRAFT OF THE HUMAN RIGHTS COUNTRY EVALUATION PLAN FOR ALGERIA FOR POST'S COMMENTS, ADDITIONS, CORRECTIONS OR SUGGESTIONS.

1. RESPECT FOR THE INTEGRITY OF THE PERSON

A. THERE ARE NO KNOWN CASES OF THE USE OF TORTURE IN ALGERIA SINCE INDEPENDENCE. DURING THE WAR FOR INDEPENDENCE AGAINST FRANCE TORTURE AND OTHER INHUMANE MEASURES WERE USED EXTENSIVELY BY THE FRENCH, AND ALSO BY THE ALGERIAN NATIONALISTS, LEAVING A STRONG AVERSION FOR SUCH PRACTICES AMONG THE ALGERIAN LEADERSHIP AND POPULATION.

B. PRISON CONDITIONS IN ALGERIA ARE SOMBER BUT THIS DOES NOT REFLECT ANY INTENTIONAL DISREGARD OF HUMAN RIGHTS. THERE ARE NO OTHER OBSERVABLE INDICATIONS OF CRUEL, INHUMANE
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OR DEGRADING PUNISHMENT.

C. THE ALGERIAN CONSTITUTION OF NOVEMBER 19, 1976 STATES THAT NO ONE CAN BE PROSECUTED, ARRESTED, OR HELD EXCEPT IN CASES PROVIDED FOR BY LAW AND THAT IN THE CASE OF CRIMINAL INVESTIGATION, DETENTION FOR QUESTIONING CANNOT EXCEED 48 HOURS. NEVERTHELESS THE SECURITY SERVICES APPARENTLY

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HAVE CONSIDERABLE POWER TO ARREST AND INTERROGATE PERSONS SUSPECTED OF POLITICAL OFFENSES AND 4 PROMINENT PERSONS WHO VOICED OPPOSITION TO THE BOUMEDIENE GOVERNMENT IN EARLY 1976 HAVE BEEN UNDER HOUSE ARREST, WITHOUT TRIAL, SINCE THAT TIME.

D. THE NOVEMBER 1976 CONSTITUTION PROVIDES THAT ANY INDIVIDUAL IS PRESUMED INNOCENT UNTIL PROVEN GUILTY BY A REGULAR COURT OF LAW AND IS SUBJECT TO ALL THE GUARANTEES OF THE LAW. THE JUDICIAL SYSTEM, WHILE SOMETIMES SLOW, DOES OPERATE ON A BASIS OF LAW AND THERE ARE FACILITIES FOR APPEAL UP TO THE SUPREME COURT. HOWEVER, AS NOTED IN C ABOVE, THERE IS A RECENT CASE WHERE 4 PERSONS POLITI-CALLY OPPOSED TO THE GOVERNMENT WERE PUT UNDER HOUSE ARREST WITHOUT TRIAL.

E. THE 1976 CONSTITUTION GUARANTEES THE INVIOLABILITY OF THE CITIZEN'S HOME. THERE IS NO RECENT EVIDENCE THAT WOULD INDICATE FAILURE TO RESPECT THIS GUARANTEE.

2. RESPECT FOR CIVIL AND POLITICAL LIBERTIES

A. THERE IS NO OUTWARD RESTRICTION ON FREEDOM OF THOUGHT, RELIGION AND ASSEMBLY. HOWEVER, ALL OF T;E PRINTED AND ELECTRONI MEDIA ARE OFFICIALLY CONTROLLED AND ALL FORMAL ORGANIZATIONS ARE CONTROLLED OR MONITORED BY THE GOVERN-
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MENT. IT IS WELL UNDERSTOOD THAT ANY ATTEMPT TO CIRCULATE MATERIAL OR ORGANIZE ACTIVITIES IN OPPOSITION TO THE GOVERNMENT OR ITS BASIC SOCIALIST ORIENTATION WILL NOT BE TOLERATED. THE CONSTITUTION IN FACT STATES THAT FREEDOM OF EXPRESSION AND ASSEMBLY ARE GUARANTEED BUT THEY MAY NOT BE USED TO UNDERMINE THE BASIS OF THE SOCIALIST REVOLUTION. AS A CONSEQUENCE WHAT LITTLE ORGANIZED POLITICAL OPPOSITION EXISTS IS DIRECTED FROM OUTSIDE THE COUNTRY.

B. THERE ARE VIRTUALLY NO OUTWARD RESTRICTIONS ON FREEDOM OF MOVEMENT WITHIN THE COUNTRY. FOREIGN TRAVEL AND EMIGRATION ARE TIGHTLY CONTROLLED AND IN GENERAL ONLY PERSONS WITH AN OFFICIALLY SANCTIONED PURPOSE ARE ALLOWED TO DEPART THE COUNTRY.

C. THE PRESIDENT OF THE REPUBLIC AS WELL AS THE PEOPLES NATIONAL ASSEMBLY AND PROVINCIAL AND LOCAL ASSEMBLIES ARE ELECTED BY UNIVERSAL ADULT SUFFRAGE. HOWEVER, THERE IS ONLY ONE POLITICAL PARTY, BY WHICH ALL CANDIDATES ARE CHOSEN AND THROUGH WHICH ALL ACCEPTABLE POLITICAL ACTIVITIES ARE CONTROLLED. THUS WHILE THERE IS

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CONSIDERABLE FREEDOM TO PARTICIPATE IN THE POLITICAL
PROCESS THERE IS LITTLE FREEDOM TO DEVIATE SIGNIFICANTLY
FROM THE PATH PRESCRIBED BY THE RULING AUTHORITIES.

3. RECENT TRENDS IN GOVERNMENT POLICIES RELATING TO
FULFILLMENT OF BASIC NEEDS

A. THE ALGERIAN GOVERNMENT HAS MADE A DILIGENT AND
SUSTAINED EFFORT TO UPGRADE THE QUALITY OF HEALTH CARE
AND EDUCATION AVAILABLE TO ALL CITIZENS. EVERY CITIZEN
IS ENTITLED TO EDUCATION AT PUBLIC EXPENSE, AND PRIMARY
SCHOOL IS MANDATORY UNDER THE CONSTITUTION. HEALTH CARE
IS PROVIDED THROUGH A FREE PUBLIC HEALTH SERVICE. LESS
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PROGRESS HAS BEEN MADE IN THE AREAS OF HOUSING AND FOOD.
A HIGH POPULATION GROWTH RATE AND A LARGE INFLUX INTO THE
CITIES HAS RESULTED IN SEVERE OVERCROWDING WHICH THE
GOVERNMENT, IN AN ATTEMPT TO DISCOURAGE FURTHER MIGRATION,
HAS MADE LITTLE EFFORT TO ALLEVIATE. AN AGRICULTURAL
REFORM PROGRAM DESIGNED TO EQUALIZE CONDITIONS IN RURAL
AREAS HAS IN FACT STIMULATED MIGRATION TO THE CITIES AND
LED TO DECREASED PRODUCTION AND RESULTING FOOD SHORTAGES.
EFFORTS TO REMEDY THIS SITUATION HAVE THUS FAR BEEN ONLY
MARGINALLY EFFECTIVE.

B. CORRUPTION, ALTHOUGH IT EXISTS, IS NOT A MAJOR FACTOR
IN ALGERIA. THERE DOES, HOWEVER, SEEM TO BE A SIGNIFICANT
GAP IN LIVING STANDARDS BETWEEN THE "NEW CLASS" OF
EDUCATED TECHNOCRATS WHO BENEFIT FROM THE PERQUISITES
WHICH ACCOMPANY HIGH LEVEL POSITIONS IN GOVERNMENT
MINISTRIES AND STATE CORPORATIONS AND THE ORDINARY CITIZEN
OF AVERAGE MEANS.

4. GOA'S RESPONSIBILITY FOR HUMAN RIGHTS

THE PREAMBLE TO THE ALGERIAN CONSTITUTION STATES THAT THE
ALGERIAN PEOPLE IS "ORGANIZING A NEW SOCIETY BASED ON THE
ELIMINATION OF THE EXPLOITATION OF MAN BY MAN AND HAVING
AS ITS GOAL, IN THE CONTEXT OF THE SOCIALIST OPTION, MAN'S
DEVELOPMENT AND THE PROMOTION OF THE POPULAR MASSES."
THE PREAMBLE FURTHER SAYS THAT "THE ALGERIAN STATE,
RESTORED IN THE FULLNESS OF ITS SOVEREIGNTY, IS PREMISED
ON STRUCTURES BASED ON THE PARTICIPATION OF THE POPULAR
MASSES IN THE MANAGEMENT OF PUBLIC AFFAIRS AND ON THER
INVOLVEMENT IN THE STRUGGLE FOR DEVELOPMENT..."

THESE WORDS ILLUSTRATE THE COMMITMENT OF THE ALGERIAN
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LEADERSHIP TO GOALS WHICH ENCOMPASS THE ENTIRE RANGE OF HUMAN RIGHTS CONCERNS AND IT IS CLEAR THAT THEY ARE TAKEN SERIOUSLY, WITHIN THE ALGERIAN SOCIALIST CONTEXT.

IMPLEMENTATION IS, NEVERTHELESS, UNEVEN. BECAUSE OF ECONOMIC CONSTRAINTS AND POLICY CHOICES IN THE AREAS OF AGRICULTURAL AND INDUSTRIAL DEVELOPMENT THE CONDITIONS OF THE AVERAGE CITIZEN IN CERTAIN RESPECTS, SUCH AS FOOD AND SHELTER, HAVE NOT RECEIVED ADEQUATE ATTENTION. REGARDING THE POLITICAL PROCESS, WHILE PARTICIPATION IS OPEN TO ALL, FREEDOM TO ADVOCATE CHANGES OF GOVERNMENT OR BASIC POLICY IS HEAVILY CIRCUMSCRIBED AND THOSE HAVE DONE SO ARE EITHER UNDER HOUSE ARREST OR IN EXILE. BUT, HOWEVER THE BALANCE SHEET IS DRAWN, THERE CAN BE NO DOUBT THAT THE ALGERIAN GOVERNMENT TAKES FULL RESPONSIBILITY FOR HUMAN RIGHTS CONDITIONS WITHIN THE COUNTRY AND WOULD BE PREPARED TO VIGOROUSLY DEFEND ITS PRINCIPLES AND ACTIONS IN THIS AREA.

UNDER THESE CIRCUMSTANCES THERE IS LITTLE IF ANY SCOPE FOR U.S. ACTION WITH RESPECT TO HUMAN RIGHTS INSIDE ALGERIA. ANY COMMENT BY US WOULD BE STRONGLY RESENTED AND WOULD UNDERMINE THE COOPERATIVE ATMOSPHERE WHICH PRESENTLY CHARACTERIZES OUR BILATERAL RELATIONS. SINCE THE STATED GOALS OF THE ALGERIAN GOVERNMENT ARE IN MANY WAYS VERY SIMILAR TO OUR OWN WE SHOULD ATTEMPT TO HIGHLIGHT OUR IDENTITY OF VALUES WHERE THIS EXISTS AND THEREBY PROMOTE ALGERIAN SUPPORT FOR OUR HUMAN RIGHTS EFFORTS IN GENERAL. ON THE OTHER HAND WE MUST REMEMBER THAT THE ALGERIANS ARE DEEPLY SUSPICIOUS OF THE CAPITALIST WEST, WHICH THEY FEEL IS ITSELF DEFICIENT IN SOME HUMAN RIGHTS AREAS (SUCH AS THE EXPLOITATION OF MAN BY MAN), AND WE SHOULD NOT EXPECT THEM TO TAKE STRONG PUBLIC POSITIONS IDENTIFYING THEMSELVES WITH U.S. HUMAN RIGHTS GOALS IN SPECIFIC CASES. CHRISTOPHER

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